

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-16, 18-21 and 27 are pending, with Claims 1 and 9 amended, Claims 17 and 22-26 cancelled, and Claim 27 added by the present amendment.

In the Official Action, Claims 1-3, 9-11, 17, 18, 20, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy (U.S. Patent No. 6,564,380) in view of Griggs (U.S. Patent Publication No. 2002/0029384); Claims 4 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy and Griggs in view of Arai (U.S. Patent No. 6,751,401); Claims 5, 8, 13, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy, Griggs, and Nelson (U.S. Patent No. 6,496,568); Claims 6, 7, 14, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy, Griggs, and Waytena (U.S. Patent No. 5,978,770); Claims 19, 21, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy and Griggs, and Mashayekhi (U.S. Patent No. 5,818,936); and Claims 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy and Griggs, and Johnson (U.S. Patent No. 7,143,177).

Applicants acknowledge with appreciation the telephone interview between the Examiner and Applicants' representative on March 6, 2007. During the interview, a variety of disclosed but as of yet unclaimed features were discussed. The Examiner suggested amending the independent claims to recite select features from the specification. Independent Claims 1 and 9 are amended as suggested by the Examiner. Support for this amendment is found in Applicants' originally filed specification.¹ Claims 17 and 22-26 are replaced by Claim 27 in order to comply with the U.S. PTO's latest rulings regarding compliance with 35 U.S.C. § 101. No new matter is added.

¹ Specification, paragraphs 113, 156 and 254.

Briefly recapitulating, amended Claim 1 is directed to a content distribution notification method of informing a third party by a first party that a content distribution will be performed based on a reservation by a first party distributor terminal apparatus, the content distribution notification method including, *inter alia*, performing a capacity check before accepting the reservation, including determining whether a channel is opened or closed; providing a reservation summary to the first party including an indication of capacity, bands available, fee and a schedule showing which periods of time are free or reserved; and reserving for rebroadcast by the third party a favorite portion of a subsequent live broadcast of said content distribution. Claims 9 and 27 are directed to an apparatus and computer program, each reciting features relating to performing a capacity check before accepting the reservation, including determining whether a channel is opened or closed; providing a reservation summary to the first party including an indication of capacity, bands available, fee and a schedule showing which periods of time are free or reserved; and reserving for rebroadcast by the third party a favorite portion of a subsequent live broadcast of said content distribution.

As acknowledged during the telephone discussion of March 6, 2007, none of the applied references disclose or suggest the features added to independent Claims 1 and 9 by the present amendment.

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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